

Service Date: July 3, 1979

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

In the Matter of the Application of) DOCKET NO. 6690
THE WASHINGTON WATER) DEFAULT ORDER NO. 4535
POWER COMPANY for an Order)
of 400,000 shares of Common Stock,)
no par value, or in the alternative)
for an Order determining jurisdiction)
of the Commission.)

On June 21, 1979, the Washington Water Power Company (hereinafter called the "Applicant") filed with this Commission its verified Application pursuant to Sections 69-3-501 through 69-3-507, MCA (70-117.1 through 70-117.6, R.C.M. 1947), for an Order authorizing Applicant to (a) issue and sell up to 400,000 shares of presently authorized and unissued Common Stock, no par value, to holders of record of the Applicant's Common Stock under a Dividend Reinvestment and Stock Purchase Plan (the "Plan"); and (b) utilize the proceeds therefrom for new construction or to reimburse the treasury for funds expended for construction purposes; or in the alternative for an Order determining that the Commission does not have jurisdiction to regulate the issuance of securities and creation of liens by the Applicant. The Application with respect to this requested Order is supported by exhibits and data in accordance with the prescribed rules of the Commission relating to the authorization for the issuance of securities for electric or gas utilities operated as public utilities in the State of Montana. It is alleged in the Application that the gross

electric plant of Applicant as of December 31, 1978, was \$500,187,091 and the gross plant of Applicant in the State of Montana was \$116,219,988. It is further alleged that the gross electric revenues of Applicant in the three states in which it operates, including Montana, in 1978 was \$117,023,977; that the gross electric revenues from the sale for resale of electricity with delivery points in Montana was \$7,978,578 of which \$7,957,186 was derived from sales in interstate commerce for ultimate use outside of the State of Montana and \$21,392 was derived from sale to wholesale customers for consumption in the State of Montana and \$10,777 was derived from sale to retail customers in the State of Montana. Having fully considered the Application and all the files and records pertaining thereto and filed with the Commission and being fully advised in the premises, the Commission makes the following:

FINDINGS OF FACT

1. That the Applicant, The Washington Water Power Company, is a corporation organized and existing under the laws of the State of Washington and duly authorized to transact business in the State of Montana.
2. That the Applicant is operating as a public utility as defined in Section 69-3-101, MCA (70-103 R.C.M. 1947) and as such is engaged in furnishing electric service in the State of Montana.
3. That the revenues derived from sources in Montana from the furnishing of electric service during the year 1978 were \$32,169 and the gross revenues derived from the furnishing of electric service by the Company were \$117,023,977.

4. That public notice of the filing of said Application was given by mailing to each of Applicant's Montana customers and no requests were received for a public hearing.

CONCLUSION

The Commission concludes that pursuant to the terms of Section 69-3-501, MCA (70-117.1 R.C.M. 1947), as amended by House Bill No. 20, 46th Legislature, the Commission does not have jurisdiction to regulate the issuance of securities or the creation of liens by Applicant.

ORDER

NOW, THEREFORE, at a session of the Public Service Commission of the State of Montana held in its offices at 1227 11th Avenue, Helena, Montana on July 2, 1979, there regularly came before the Commission for final action the matters and things in Docket No. 6690 and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED:

1. That the Commission determines and orders that it does not have jurisdiction to regulate the issuance of securities and the creation of liens by the Washington Water Power Company.

2. This Order shall be in full force and effect unless or until the revenues derived by The Washington Water Power Company from electric sales for ultimate use by Montana customers exceed \$5,000,000 or 5% of its gross revenues in any year.

DONE IN OPEN SESSION at Helena, Montana this 2nd day of 1979, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER Chairman

CLYDE JARVIS, Commissioner

THOMAS J. SCHNEIDER, Commissioner

JAMES R. SHEA, Commissioner

GEORGE TURMAN, Commissioner

ATTEST:

Madeline Cottrill
Commission Secretary

(SEAL)